

## WARDMAN REFUSES TO ANSWER

## WOULDN'T TELL WHO WROTE THE HOOKER BRIBERY STORY.

But He Astonishes the Legislature by Saying He Didn't Know Who Wrote the Story That He Believed an Attempt Had Been Made to Bribe Members in Hooker's Interest.

ALBANY, July 14.—With the statement that he believed there had been an attempt to bribe members of the Legislature in the interest of Justice Warren B. Hooker, and that the Delaware and Hudson Railroad Company was interested in keeping him on the bench, Ervin Wardman, editor of the New York Press, carried off the honors to-day when placed on the witness stand. Mr. Wardman is now in danger of having to undergo punishment for refusing to furnish the information desired by such sterling members of the Legislature as John Raines of Canandaigua, James T. Rogers of Broome, Arthur C. Wade of Chautauque and Edgar T. Brackett of Saratoga.

It was very noticeable that the attorneys for Justice Hooker took a most interested part in the examination of Mr. Wardman, while Judge Henry B. Coman and the attorneys for the State Bar Association enjoyed the discomfiture in which the others were placed by Mr. Wardman's testimony. Mr. Wardman was brought to Albany to give the authority for a story under an Albany date line, which appeared in the columns of his paper on July 12. The Legislature knows no more now than it did before about who wrote the story or from whom the information was secured.

Under Senator Brackett's questioning it was brought out from Mr. Wardman that for the last ten days he had been on his vacation and that he had only returned to New York yesterday in order to be served with the summons to come before the bar of the Legislature. Mr. Wardman did not seem in the least afraid of the Legislature. He was first called to the stand at the morning session. He denied any knowledge of the article or whence it had come or who had written it and for the benefit of the Legislature said that possibly Managing Editor Hennessy might know, and if he didn't Night Editor Scott might know, and if they didn't know, possibly one of the thirty or forty subordinates might know, but he didn't know, and before coming to Albany hadn't thought about ascertaining who had done it.

Senator Brackett asked if he had given the Hooker matter some consideration, and he said he and Mr. Hennessy had conferred on it several weeks ago. He said he had information at the time that he thought Mr. Hooker would be removed, but Mr. Hennessy had informed him that he had had trustworthy information that things had been fixed to prevent Mr. Hooker from being removed. Then Senator Brackett demanded to know where the information came from.

"I can't answer that," said Mr. Wardman. "It is one of the ethics of our profession never to betray a confidence, and if a newspaperman should betray a confidence he would not be able to hold his position, and I decline to answer."

Senator Brackett insisted, and Mr. Wardman persisted in his refusal to answer. Senator Brackett appealed to the president of the joint session, and Lieut.-Gov. Bruce put it to a vote of the Legislature as to whether Mr. Wardman should be compelled to answer. The legislators, by a vote of 90 to 31, decided that he must answer.

But Mr. Wardman didn't. It was thought that Mr. Wardman would be removed for contempt forthwith, but Senator Brackett didn't make such a motion. He proceeded to question Mr. Wardman some more, and finally asked him why he had understood that Justice Hooker would be removed.

"Because," he answered, "it was understood a large corporation was interested in his being removed."

"What corporation?"

"I don't see why I should have to answer that," replied Mr. Wardman. Then, to the surprise of everyone, he added: "But it was understood at the time that the Delaware and Hudson Company."

Lewis E. Carr, one of Mr. Hooker's attorneys, who is the regular attorney of this company, looked angry at the witness and bit his lip at the harder.

"That is a railroad company," suggested Senator Brackett.

"It is," said Mr. Brackett finished and took a seat back of the table.

Then Mr. Wade took a hand in it. He went at Mr. Wardman as if he expected to break down his reserve and compel him to tell.

"Isn't it true that the Press has been opposed to Mr. Hooker?" he asked.

"Oh, no, wasn't it with relation to the case under the report of the Assembly Judiciary Committee had been made, and then we thought that after that had been given to the public, it was time that Mr. Hooker should get off the bench."

"Mr. Wardman, will you, between now and 3:30 o'clock, get into communication with Mr. Hennessy and find out who wrote the article?" Mr. Wade asked.

"I will ask Mr. Hennessy, but I don't think he will tell me," replied Mr. Wardman.

"Can't you compel him to?"

"Oh, I might give him the choice of telling or of severing connection with the paper, but I don't do that."

Mr. Wardman was called to the stand again after 4 o'clock, but he had not been able to learn who the author was.

"I asked Mr. Hennessy and he declined to tell me, as I thought he would," he said. Then, after much sparring, Mr. Wade said, with a smile playing across his face:

"Now, do you believe in your own heart that any attempt has been made to bribe any member of the Legislature?"

## to acquit or exonerate Justice Hooker.

## He is a direction that interfere with the duties of the jury.

Senator Raines said that the article did not charge bribery.

"No," said Mr. Tompkins, "but the charge of bribery has been made ever since last January, and we up to the present time haven't paid any attention to it."

Mr. Rogers took up the cudgels in favor of the newspaper organ of Chairman Odell. He said that there were many papers that had printed matter adverse to Justice Hooker.

"Yes," answered Mr. Tompkins, "and there are some in the western part of the State that have been printing matter in his behalf, and we are receiving copies of them."

Senator Brackett asked Mr. Tompkins to withdraw his motion, but Mr. Tompkins said: "It isn't the article so much that I am concerned over as it is that I would like to learn the source from which it emanates."

Senator Brackett said that people generally understood that Justice Hooker was taking orders from Newburgh. Then Senator Elsborg came to the rescue of the Odell organ and moved that Mr. Tompkins's motion lie on the table. This was carried.

Aside from the newspaper incident the most interesting feature of the session was the cross-examination by Judge Coman of State Bar Commissioner Lester F. Stearns. Mr. Stearns is Justice Hooker's partner in the Dunkirk post office building, and he was called to the stand to tell how he secured the judgment, which practically gave to Stearns and Hooker fourteen feet of the City Hall Park in Dunkirk. This is the judgment secured by them, and which left full Justice Hooker's partner, who granted the judgment two years before, insisted upon having vacated. Justice White was present and sat right beside Senator Raines. He listened with some surprise to Mr. Stearns's direct examination.

In regard to the charge made by Justice White that Justice Hooker had approached him and asked him to hear the case, and that there would be no serious contest, Mr. Stearns said:

"I called upon Justice Hooker from Dunkirk and asked him to get a Judge in Buffalo to hear the case."

On direct examination Mr. Stearns showed that he had figured out the promise of a Judge in Buffalo, and when it came to cross-examination by Mr. Coman, he said he hadn't paid any attention to the matter.

Mr. Coman asked him why he hadn't paid any attention to the matter, and he answered that he was a bookkeeper and didn't give notice when he was a codefendant with the City of Dunkirk in this action and that he didn't know.

To the surprise of all, Assemblyman Wade took the stand in behalf of his client. This caused not a little comment, for the man who had been best of friends with the people he was to represent as a member of the Legislature and threw himself into the fight to save Justice Hooker.

Wade's testimony was of the nature of a speech defending Justice Hooker's connection with the Wirtner judgment roll. He said he hadn't been sent to see Justice Hooker, but that he had been asked to see him by a man who was representing him as a member of the sub-committee of the State Bar Association.

Under the usages of court procedure and practice this would not have been allowed. Mr. Coman interposed objections, but they were overruled by the chair. Mr. Coman did not cross-examine him.

Mr. Nellis, the stenographer in the office of Mr. Stearns, was the last witness of the day. Her testimony was of no importance.

In the opening of the trial to-day Mr. Standfield moved to have the charges against Justice Hooker dismissed, but Lieut.-Gov. Bruce promptly denied the motion.

Standfield then went into the case at great length. He argued that the Legislature had no authority to act under the section of the Constitution it is providing for. Mr. Standfield took the position that the accused Justice was not before the Legislature with counsel and the right to produce witnesses as a favor, as he had been asserted by Chairman Elie of the Assembly Judiciary Committee. He declared that Hooker was before the Legislature as a constitutional right.

The examination of witnesses at the right of the members of the Assembly Judiciary Committee to sit and take part in the trial, Lieut.-Gov. Bruce called his attention to the fact that he had ruled on that point, but Mr. Standfield proceeded, asserting that they should not be there and pointed out that a Grand Jury was being organized, and that the part of his argument by stating that he was only calling attention to how self-respecting and high minded men should act.

The examination of witnesses cannot be concluded until Tuesday. Mrs. Hooker, the wife of the Justice, is to be called to the stand to tell about the note which she indicated for Frank Odell. Justice Hooker is also to go on the stand.

## TAKES NO ORDERS FROM ODELL.

Relations Between Higgins and Odell Said to Be Strained.

ALBANY, July 14.—Gov. Higgins has at last, it was declared to-day, taken a stand which may result in strained relations between Higgins and Odell. Gov. Higgins, it was said, refused to appoint a certain political friend of Mr. Odell as a member of the State Lighting Commission.

This was after Mr. Odell returned from Europe, and when he heard that Gov. Higgins was determined to appoint Governor William B. Odell as a member of the State Lighting Commission, he was reported to have expressed his position as the State Republican leader.

Mr. Odell determined that he could beat this by taking a stand on some important public question on which Gov. Higgins already had announced his attitude. Mr. Odell decided that to demand a legislative investigation of the affairs of the Equitable Life Assurance Society would afford the best vehicle toward that end and caused the publication of the article in the Equitable.

The investigation followed it up with an interview. Mr. Odell evidently figured that such a course would put Gov. Higgins and Supt. Hendricks in a hole and compel them to seek his advice in extricating themselves.

But in this Mr. Odell made a mistake. The result of the publication of the Equitable testimony and the Odell interview only served to strengthen Gov. Higgins's opinion that Mr. Odell is not a safe adviser on questions of party policy.

Mr. Odell never could have elected chairman of the Republican State committee when he supplanted Col. George W. Dunn without the tacit consent of Supt. Hendricks.

It is sufficient to say now that neither Gov. Higgins nor Supt. Hendricks has any further use for Mr. Odell, either personally or politically. Of course they will not make open warfare upon Mr. Odell, but they will endeavor to keep him from interfering with the other hand, his advice will neither be sought nor followed. The Governor and Supt. Hendricks know that Mr. Odell is not determined to leave the State, and they are not likely to let him go.

Gov. Higgins to-day declined to make any comment on the published statements regarding the alleged treachery shown by his administration in the publication of the testimony taken by Supt. Hendricks in the investigation of the Equitable.

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## BENDER'S CAMPAIGN FUND.

## STATE FISCAL SUPERVISOR ON TRIAL AT ALBANY.

Employees Testify to Turning Over to Him \$200,000 of Their Salaries—Alleged That One Who Didn't Was Discharged—Woman Stenographer Gave Up \$37.

ALBANY, July 14.—The charges against the department of the State Fiscal Supervisor, who is Harry B. Bender of this city, treasurer of the Albany county Republican committee, were before the State Civil Service Commission yesterday.

The charges are that employees of that department have been requested to contribute money to the Republican campaign fund, in violation of Section 24 of the State civil service laws. In particular it was alleged that during the last campaign Edwin A. Doty, a bookkeeper employed in Supervisor Bender's department, was requested to make a campaign contribution, that he refused, and that some time subsequent to that event he was discharged from the State service for alleged mistakes made in his work.

The State commission was requested by the Civil Service Reform Association to make an investigation of the charges, and to-day was the time set for the consideration of this request. Nine witnesses were sworn, including Mr. Doty, whose testimony was along the lines of his affidavit, in which it was charged directly that Bender was guilty of a crime.

Miss Christie, the stenographer, told of having on the desk of the chief clerk, Supervisor Bender and of some time afterward finding a receipt from him on her desk. Some of the witnesses admitted that they had been spoken to by the secretary about their contributions, but said that the conversation was more in the way of a suggestion than a demand. Mrs. Kelly said that she sent her contribution directly to the State committee.

Estimate Clerk Wemple swore that the secretary had suggested to him that he make a payment. He admitted that the secretary had said that the percentage was 3 per cent, and that such percentage was 3 per cent. He produced two of his checks. One of them was made out to the secretary and the other to the State committee. The first, he had been made out to cash.

Major George W. Hobbs, the chief clerk, gave the impression that he was an unwilling witness. It was shown by his testimony that he made a contribution last fall by check which amounted to a sum of \$25. He said that he had paid directly to Bender. He was asked to produce his checks, which he did, and the check was for \$25, made out to cash. The check was not yet cashed.

All the attacks of the office paid toward the campaign except the page, who testified that he had not cashed the check.

The testimony of the witnesses, together with the affidavit made by Mr. Doty, which make a strong case against the State Fiscal Supervisor, are to be presented to the State committee by the State Fiscal Supervisor and his secretary, with a request that they notify the State Commission when they will be ready to present their case.

The law makes it a misdemeanor for a public officer to collect or receive any money or thing of value for himself or for another person, and it is to be demanded.

## POWERS OF GAS COMMISSION.

## Gov. Higgins Believes It Can Fix the Price of Gas in This City.

ALBANY, July 14.—Gov. Higgins was asked to-night if he entertained any doubt of the power of the State Gas Commission to fix the price of gas to be charged consumers in New York city. He said he did not think there could be any question of the ultimate power of the Commission to fix the price to be charged, but he had been advised that the question would probably be carried to the highest court of the State and the United States Supreme Court.

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## A NATURAL PASS

in the mountain range that divides the East from the West is at Little Falls, N. Y., where the four track line of the New York Central, the double track line of the West Shore, the Erie Canal and the Mohawk River pass through this range on a water level.

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## PRESIDENT SEES STEVENS.

First Meeting With the New Chief Engineer of the Panama Canal—Views by Shonts.

OYSTER BAY, N. Y., July 14.—Theodore P. Shonts, chairman of the Panama Canal Commission, and J. F. Stevens, the new chief engineer, were entertained at luncheon by President and Mrs. Roosevelt at Sagamore Hill to-day. This was the first meeting of the President with the successor to J. F. Wallace. Mr. Stevens is going to stay some time on the isthmus, so the President wished to meet him before he leaves for his post.

It is now certain that the canal will be transferred to the charge of Elihu Root, in whose ability to direct the work of construction to a satisfactory conclusion the President has boundless confidence.

"We won't really begin the work of construction," Mr. Shonts said, "until we have perfect facilities for the handling of the men to live in and proper sanitary arrangements, pure water, hygienic food and so on. And last, but not least, we must have proper arrangements for their recreation."

For the first time in its history the United States Government is going into the amusement business. Mr. Shonts has already secured a man who will draw the salary and make a business of organizing the recreations of the men. He will organize clubs and establish a system of reading rooms and do everything for the men except the work of the laborers. I expect to take that man down with me when I go to Panama. We shall have to have laborers from the tropics, and we shall have to have a man who will draw the salary and make a business of organizing the recreations of the men. He will organize clubs and establish a system of reading rooms and do everything for the men except the work of the laborers. I expect to take that man down with me when I go to Panama. We shall have to have laborers from the tropics, and we shall have to have a man who will draw the salary and make a business of organizing the recreations of the men. 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